

REMARKS

In the Final Office Action dated December 29, 2004, the Examiner rejected claims 1-48 under 35 U.S.C. § 103(a) as being unpatentable over Kerker *et al.* (U.S. 3,744,745) in view of Henderson *et al.* (U.S. 4,685,643). Applicant respectfully requests reconsideration in view of the foregoing amendments and the following remarks.

Applicant expresses appreciation to the Examiner for his courtesy in conducting a telephone interview on March 18, 2005. During the interview, agreement was reached between the Examiner and the undersigned attorney regarding the allowability of the proposed amendment of Claim 1 as shown above. Accordingly, Applicant has similarly amended claims 6, 12, 17, 23, 28, 34, and 39. Claim 44 has been canceled as being duplicative.

Applicant submits concurrently herewith, and without prejudice as to the merits of the matter, a declaration of inventor Christopher Konings submitting a graph of lift versus drag and setting forth possible distinguishing aspects of various alternate embodiments over the prior art.

Furthermore, Applicant respectfully submits that the above-noted claim amendments do not constitute new matter. Specifically, the limitation that the chine is *mounted on the engine nacelle at an angular location that is greater than approximately fifty degrees from a vertical axis through the engine nacelle* finds support in the specification, which states *inter alia* that the “device 240 is positioned radially at an angle r between zero degrees and ninety degrees” (page 6, lines 7-8). Original claims 29 and 43, which form a portion of the original specification, also set forth this possible range of angular positions. The subject narrowing of the range of possible positions of the chine on the outboard side of the nacelle to *greater than approximately fifty degrees* is within the range set forth in the original specification, and therefore does not constitute new matter (see MPEP § 2163.05, and *In re Wertheim*, 541 F.2d 257, 191 USPQ 90 (CCPA 1976)).

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CONCLUSION

For the foregoing reasons, Applicant respectfully requests reconsideration and allowance of claims 1-43 and 45-48. If there are any matters that may be handled by telephone discussion, the Examiner is kindly requested to telephone the undersigned at his convenience.

Respectfully submitted,

BLACK LOWE & GRAHAM^{PLLC}



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Enclosures:

Declaration of Christopher Konings
Interview Summary

MAIL CERTIFICATE

I hereby certify that this communication is being deposited with the United States Postal Service via first class mail under 37 C.F.R. § 1.08 on the date indicated below addressed to: MAIL STOP AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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INTERVIEW SUMMARY SUBMITTED BY APPLICANT

U.S. APPLICATION NO. 10/622,595

A telephone interview was conducted between Examiner Galen Barefoot and Applicant's attorney Dale Barr on March 18, 2005. Applicant's proposed amendments to claim 1 were discussed, and agreement was reached that the proposed amendments overcame the pending rejection, and that the amended Claim 1 is allowable. Applicant's attorney agreed to amend the other independent claims of the application to include the same limitation.

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